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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,499	05/18/2001	Masahiro Nishio	862.C2228	5043
5514	7590	06/08/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Allowability</b> <i>Supplemental Notice of Allowability</i>	Application No.	Applicant(s)
	09/859,499	NISHIO, MASAHIRO
	Examiner	Art Unit
	Yves Dalencourt	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on 01/05/05.
2.  The allowed claim(s) is/are 1,4-6,9,10,20 and 36-39.
3.  The drawings filed on 18 May 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/19/01/01/05/05
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Yves Dalencourt*  
**Yves Dalencourt**  
**ANDRÉ ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

### **DETAILED ACTION**

1. This office action is responsive to amendment filed on 01/05/05.

#### ***Response to Amendment***

2. The examiner has acknowledged the amended claims 1, 4, 5, 6, 9, 10, 20, the cancellation of claims 2, 3, 7, 8, and 11 – 16, and the submission of new claims 36 – 39. The rejection of claims 3, 5, 8, 10, 11, 13, 14, and 16 under 35 U.S.C. 112, first and second paragraph has been withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments, see pages 17 - 21, filed on 01/05/05, with respect to claims 1, 4 – 6, 9 – 10, 20, and 36 - 39 have been fully considered and are persuasive. The rejections of claims 1, 4 – 6, 9 – 10, 20 have been withdrawn.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please delete " plurality " (claim 37, line and insert -- plurality --.

**Please delete " a message " (claims 10 and 39, line 3), and insert " the second message ".**

**In claim 36, line 2, please insert after program -- for causing a computer to perform the method --.**

***Allowable Subject Matter***

5. Claims 1, 4 – 6, 9 – 10, 20, and 36 – 39 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach, among other limitations, in combination, a network device having a plurality of controllers connected to a network; wherein the master agent comprises means for communicating with the network manager using a protocol for exchanging management information between the network manager and the plurality of controllers to separate a message issued from the network manager into a first message including management information to be processed by the master agent and a second message including management information other than the management information to be processed by a subagent; response generating means for generating response information with regard to the first message to be responded to the network manager; and means for notifying subagents of the second message.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shlomo Touboul (US Patent Number 6,125,390) discloses a method and apparatus for monitoring and controlling in a network.

Whitner et al (US Patent Number 6,148,323) discloses a system and method for managing the execution of system management.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

May 17, 2005



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